

DEBOER, ET AL. v. SNYDER, ET AL.

JOSEPH PRICE, Ph.D.

January 18, 2014

*Prepared for you by*



**Bingham Farms/Southfield • Grand Rapids**  
Ann Arbor • Detroit • Flint • Jackson • Lansing • Mt. Clemens • Saginaw

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1 A. Joseph Price.

2 Q. What I'd like for our first exhibit, which the court  
3 reporter will mark as Exhibit 1, is your expert  
4 report.

5 MARKED BY THE REPORTER:

6 DEPOSITION EXHIBIT 1

7 8:13 a.m.

8 BY MR. BLOCK:

9 Q. If you could, take a quick look. Is this the expert  
10 report you submitted in this case?

11 A. Yes.

12 Q. Great. Let's turn to the back of the report to your  
13 CV. We're at Exhibit A, CV. I just want to ask you a  
14 few questions about it. Your CV says you have a BA in  
15 economics and a Ph.D. in economics.

16 A. Yes.

17 Q. Have you had any professional training in psychiatry?

18 A. No.

19 Q. Psychiatry?

20 A. No.

21 Q. Sociology?

22 A. No.

23 Q. Social worker?

24 A. No.

25 Q. Anything related to children's development or well

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- 1           being?
- 2     A.     Aside from economic research on family structure, no.
- 3     Q.     No classes or training in that area at all?
- 4     A.     No.
- 5     Q.     Did you consider yourself an expert in child
- 6           development?
- 7     A.     Again, aside from economic research on family
- 8           structure, no.
- 9     Q.     An expert in children's well being?
- 10    A.     The outcomes of children's well being often plays an
- 11           important role in economics and I'm an expert in those
- 12           areas.
- 13    Q.     Have you appeared as an expert witness in any previous
- 14           litigation?
- 15    A.     No.
- 16    Q.     Have you filed expert affidavits in any litigation?
- 17    A.     I have filed this expert witness report. I filed one
- 18           in Virginia and I filed one as part of another case
- 19           here in Michigan called Bassett.
- 20    Q.     Any others?
- 21    A.     No.
- 22    Q.     Isn't that true that you filed an expert report in a
- 23           Utah cause?
- 24    A.     It was an amicus brief.
- 25    Q.     I'm having the court reporter mark as Exhibit 2 a

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1 A. No. The only one was Exhibit 6.

2 Q. How many studies on an issue do you think someone  
3 should conduct before they qualify as an expert on  
4 that issue?

5 A. I don't know.

6 Q. Do you think at least one?

7 MS. HEYSE: Can we clarify on what issue?

8 BY MR. BLOCK:

9 Q. Just in general, how many studies should someone have  
10 conducted in order to qualify as an expert on that?

11 A. I don't have an opinion on that particular subject.  
12 At least within economics the publication of a seminal  
13 paper is enough for an economist to be able to make  
14 significant statements on the topic.

15 Q. One seminal papers?

16 A. Yes.

17 Q. You would characterize your comments in Demography on  
18 Rosenfeld as a seminal paper?

19 A. I wouldn't necessarily attach the seminal. I think  
20 it's one of the most important papers. I think  
21 Rosenfeld's was a very important paper. I think what  
22 our paper does is it takes an important paper and uses  
23 the exact same framework to show that just some very  
24 small changes lead to very different results.

25 Q. Was your comment paper peer reviewed?



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1 A. Yes.

2 Q. So you would agree with me all your publications  
3 listed on your CV about the MBA aren't relevant to the  
4 topic of outcomes of children raised by same-sex  
5 parents?

6 MS. HEYSE: I'm going object because it's  
7 vague. If there is something regarding the MBA that  
8 deals with empirical, it would be relevant to his  
9 expertise.

10 BY MR. BLOCK:

11 Q. You are witness. Can you answer my question?

12 A. Yes. So the other research on my vitae doesn't speak  
13 specifically to same-sex parents. It speaks to  
14 expertise in using large data sets using very  
15 sophisticated statistical methods and engaging in  
16 transparent research that can be replicated by other  
17 scholars.

18 Q. Going back to page 8 in your report, you say, based on  
19 my research and my evaluations of published research  
20 in the field, I want to ask you -- we heard you  
21 mention Regnerus's paper, the Rosenfeld paper, your  
22 comment, the Potter paper. Anything else?

23 A. And then I drew on the reviews of past literature  
24 conducted by Michael Rosenfeld, Doug Allen and Loren  
25 Marks.

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1 Q. Did you review that literature yourself?

2 A. I did not review original studies.

3 Q. So your knowledge of all the other studies conducted  
4 in the field are based on the assessments from  
5 Rosenfeld, Marks and Allen?

6 A. Yeah. And I guess other one I would add would be the  
7 paper by Anderson, et al. in Demography in 2006.  
8 While it's not specifically a review of literature,  
9 they provide a really good discussion of many of the  
10 issues and past research.

11 Q. You read that article?

12 MARKED BY THE REPORTER:

13 DEPOSITION EXHIBIT 10

14 9:22 a.m.

15 BY MR. BLOCK:

16 Q. I'm giving you the supporting bibliography attached to  
17 Dr. Brodzinsky, the plaintiff's expert witness, in  
18 this case that lists, according to him, all the  
19 relevant research in this field.

20 A. Mm-hmm.

21 Q. Have you read any -- well, let's go through this. Let  
22 me know which articles here you have read.

23 A. Can you rephrase your question?

24 Q. I just want to know -- let's move on.

25 In terms of forming your expert opinion,

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1 families, but we don't have empirical evidence that  
2 allows you to follow kids from birth.

3 BY MR. BLOCK:

4 Q. So the evidence that we do have are from samples that  
5 you say the majority of which consisted of children  
6 who are the product of a failed heterosexual union  
7 before being raised by same-sex couples; is that  
8 right?

9 A. Well, they're the product of a failed -- they're not  
10 biologically related to both parents in the sense  
11 they're listed as step-children.

12 Q. But they came into this world by a heterosexual couple  
13 conceiving them?

14 A. Not all of them. I mean there are two to three  
15 percent that are adopted.

16 Q. The majority?

17 A. The majority, yes.

18 Q. Based on the sample where the majority consisted of  
19 children who were the product of a failed heterosexual  
20 union, you think you can extrapolate from that data  
21 and conclusions about children who are raised from  
22 birth by same-sex couples?

23 A. What you can do is draw upon the likely mechanisms  
24 which include gender, biologic relatedness and  
25 stability, all three of these would point to a

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1           disadvantage of children of same-sex couples even if  
2           they're raised from birth.

3    Q.    I want to turn back to the expert report of Professor  
4           Allen which is marked as -- what exhibit number is  
5           that?

6    A.    Exhibit 9.

7    Q.    Exhibit 9. So just to turn to paragraph 33. So in  
8           this paragraph. He's just finished discussing  
9           Rosenfeld's studies and your comment on it. He is  
10          talking about his study in 2013. He says, you know,  
11          there are several problems with the empirical debate  
12          just mentioned before getting to his 2013 study.

13                 First, one must not put too much weight on  
14                 a result that depends on whether a sample restriction  
15                 or control is used in the analysis. Second, the data,  
16                 test data is from the 2000 census. Third -- skipping  
17                 down a couple lines -- in 2000 no states in the union  
18                 had legal same-sex marriage. Fourth, since the two  
19                 studies -- and he means Rosenfeld's and yours -- were  
20                 unable to control for marital history of the  
21                 parents -- fourth, the two studies were unable to  
22                 control for the marital history of the parents. Since  
23                 the results found by both studies are close to those  
24                 of children in single parent homes, the slower  
25                 progress through school may be the result of a



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1 previous divorce and not same-sex structure of the  
2 household.

3 Do you disagree with that Allen that the  
4 slower progress reflected in your study could be the  
5 result of a previous divorce and not the same-sex  
6 structure of the household?

7 A. Again, this statement is based on something we have to  
8 often do as scholars, which is extrapolate a little  
9 bit beyond the available data is. I would actually  
10 feel more strongly about the fact that the mechanisms  
11 point to children facing a disadvantage that are  
12 raised -- that are raised even from the start in a  
13 same-sex couple because they're going to -- they're  
14 going to lack either a father or a mother. They're  
15 not going to be biologically related to both parents  
16 and they're going to experience less stability in that  
17 family structure.

18 Q. Have you been able to exclude the hypothesis that the  
19 poorer outcomes in your study are attributable to the  
20 result of a previous divorce and not the same-sex  
21 structure of the house?

22 A. Again, we don't -- we are unable to directly test the  
23 outcomes of children that have been raised from the  
24 start in the same-sex house, but the mechanisms that  
25 we can examine all point to them facing a

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1 disadvantage.

2 Q. I just want an answer to my question about the role of  
3 divorce.

4 A. Okay.

5 Q. Have you been able to exclude the possibility that the  
6 poorer outcomes are the result of divorce?

7 A. The data do not allow you to distinguish whether the  
8 effects are operating through divorce or some other  
9 mechanism.

10 Q. Great.

11 A. Just to be clear, divorce is a family of instability  
12 and it's really clear that same-sex couples have less  
13 stable unions than opposite sex couples.

14 Q. The nature of same-sex couple unions, you believe,  
15 makes it more likely that there was a previous failed  
16 heterosexual union before they got together?

17 A. No. I'm saying that it is true that children are  
18 negatively effected by instability and that's one of  
19 the mechanisms through which child outcomes are worse  
20 for children raised by same-sex couples.

21 Q. When Allen says the slower progress in school may be  
22 the result of a previous divorce and not the same-sex  
23 structure of the household, he is not talking about  
24 the same-sex divorce, he is talking about the  
25 heterosexual divorce?



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1 A. He is definitely referring to a heterosexual divorce.

2 Q. Okay. Good. Parental gender, biological relatedness  
3 and stability, how did you come up with that list?

4 A. So what made me interested in the first place was what  
5 channels -- through which channels family structure  
6 effects child outcomes. It's clear that there is a  
7 lot of research that focuses on the gender of the  
8 parents. There's a lot of research that focuses on  
9 biologic relatedness. This is research about  
10 step-families. That there is a lot of research  
11 related to stability. As an economist, these would be  
12 three of the natural channels through which children  
13 are affected by families structure.

14 Q. As an economists it would be the natural --

15 A. These would be the lens through which an economist,  
16 but I think actually most reasonable scholars would  
17 review this as reasons through which children are  
18 affected by family structure.

19 Q. Did you read any research about what psychologists  
20 think about the channels through which the children  
21 could be affected by family structure?

22 A. I'm not a psychologist. I imagine would they have  
23 their own list of channels through which children are  
24 affected by family structure.

25 Q. You haven't familiarized yourself with what that list

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1 might be?

2 MS. HEYSE: Objection. He answered the  
3 question.

4 BY MR. BLOCK:

5 Q. Go ahead.

6 A. No. I'm an economist. I focus primarily on the tools  
7 that we're experts at.

8 Q. They train you -- when you get an economics degree,  
9 they give you training on parental gender, biological  
10 relatedness and stability?

11 A. We're trained in the empirical method that allow you  
12 to test whether these are potential channels through  
13 which child outcomes are affected.

14 Q. Are you interested in testing whether a previous  
15 heterosexual divorce can be a channel through which  
16 child outcomes can be affected?

17 MS. HEYSE: Objection, irrelevant.

18 A. If there was available a nationally large data set,  
19 that would be an interesting question.

20 BY MR. BLOCK:

21 Q. Would it be fair to add that to this list of  
22 mechanisms as a fourth possible mechanism?

23 A. Again, one of the mechanisms is stability. I think  
24 stability fits very closely with this idea of divorce  
25 being a contributing factor.

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1 Q. We're not talking about the divorce of the same-sex  
2 couples. I'm talking about a previous heterosexual  
3 divorce. Do you think that could be a potential  
4 mechanism?

5 A. It's possible, yeah.

6 Q. Isn't it true that children's outcomes are better when  
7 they're raised by a married couple than an unmarried  
8 couple on average?

9 A. On average that -- if you don't control for anything  
10 else, then married couples tend to have children with  
11 higher outcomes than other family structure types.

12 Q. Do you have any interest in testing whether the lack  
13 of availability for marriage for same-sex couples  
14 could be a mechanism through which these purported  
15 differences operate?

16 MS. HEYSE: Objection.

17 A. Again, I don't have really -- there's other mechanisms  
18 through which children would be effected even in that  
19 situation such as gender and biologic relatedness.

20 BY MR. BLOCK:

21 Q. We're listing potential mechanisms which would be  
22 useful to test. Do you think that's a potential  
23 mechanism that would useful for an economist to test?

24 A. Yes.

25 Q. So it would be fair to add that to that a list of

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1 possibilities?

2 MS. HEYSE: Objection, vague.

3 MR. BLOCK: Withdrawn.

4 BY MR. BLOCK:

5 Q. So what qualifies you to be an expert in analyzing the  
6 way parental -- what qualifies you to be an expert in  
7 way the parental gender influences parenting?

8 A. As an expert in the field of empirical methods, I'm  
9 able evaluate the research of others. I've been  
10 reviewer of others. I've been the reviewer for 40  
11 different journal. Editors put a lot of trust in my  
12 opinion of other's research.

13 More specifically in my own area, I have  
14 done research on how much time parents spend time with  
15 children. In that area there are some clear  
16 differences in how fathers and mothers invest time in  
17 their children.

18 Q. Have you personally conducted any studies of gender  
19 roles of same-sex couples raising children?

20 A. Again, the data that I was using related to time use  
21 had too few same-sex couples to provide any  
22 information.

23 Q. Do you know of any studies that look at that to  
24 evaluate the gender roles of same-sex couples raising  
25 children?



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1 A. I'm not specifically familiar with any particular  
2 studies. I don't know if you had anything in mind.  
3 I'm not specifically familiar with any -- I have  
4 looked at -- I have -- you know, in the course of my  
5 research, I have looked at a number of studies. None  
6 of them come directly to mind at this point.

7 Q. So sitting here today, you are not sure one way or the  
8 other about whether such studies exist that examine  
9 the gender roles of same-sex couples raising children?

10 A. Again, within kind of the confines of nationally  
11 representative large data sets, if such a data set  
12 existed that would allow you to do that, I'm not  
13 familiar with it.

14 Q. Are you familiar with any studies that evaluate child  
15 outcomes in light of the gender roles of their  
16 parents?

17 A. So in my published paper with Catherine and Doug,  
18 which builds on the work of Michael Rosenfeld, one way  
19 you can think about gender differences, it looks at  
20 differences in single mothers and single fathers and  
21 that's the case where you see the children being  
22 raised by a single father have noticeably worse  
23 outcomes than a single mother which would indicate  
24 that not having a mother seems to be a bigger deal  
25 than not having a father.

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1 Q. But that study didn't analyze the gender roles that  
2 the mothers and fathers played in the sample, did it?

3 A. Maybe you could clarify what you mean by gender roles.

4 Q. Did it analyze whether or not the mother acted in a  
5 stereotypical manner or spent more time doing  
6 housework with the kids versus acting in a more  
7 masculine stereotypical manner and spent more time  
8 house roughhousing?

9 A. That study didn't. As an economist, we could ask the  
10 question, do children need a mother. The way you  
11 could ask that question is comparing children from the  
12 different family types that either lack a father or a  
13 mother. In that case the comparison of single parents  
14 is a reasonably way to think about whether fathers or  
15 mothers contribute differently to child outcomes.

16 Q. Let's look at what you say in your report here.

17 A. Sure.

18 Q. Let's look at paragraph 41.

19 MS. HEYSE: I'm sorry. I didn't catch the  
20 number.

21 MR. BLOCK: 41.

22 BY MR. BLOCK:

23 Q. In the second sentence of that paragraph it says,  
24 mother tends to be more empathetic, tender mining and  
25 nurturing than men. Did your study analyze whether or



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1 not the women, the mothers in that sample set, were  
2 more empathic, tender minded and nurturing in that  
3 sample set?

4 A. No. In this paragraph I'm citing research done by  
5 other scholars.

6 Q. You cite David Popenoe, but you don't provide a cite.  
7 What are you referring to when you cite to David  
8 Popenoe?

9 A. That's probably an oversight on my part. I have a  
10 copy of the paper. I don't have the citation here  
11 with me.

12 Q. Do you know if it was based on a large random national  
13 sample of how mothers and fathers behave?

14 A. I'm not entirely sure.

15 Q. It's possible it's based on small observational sample  
16 set; is that right?

17 A. It's possible.

18 Q. But if it based on a small observational sample set of  
19 how mothers and fathers behave, do you think it's  
20 appropriate as an economist to generalize from that  
21 and make conclusions about how on average all mothers  
22 and fathers behave?

23 A. Yes. Again, here I'm speaking to the issue of  
24 potential mechanisms. Again, these are all cases  
25 where there is reasonable evidence that mothers parent

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1 differently than fathers.

2 Q. The reasonable evidence in this case are small  
3 nonrandomized sample sets.

4 A. If you look at the paragraph 43, this is evidence  
5 based on a nationally representative sample based on  
6 my own research.

7 Q. I want to talk about Popenoe.

8 A. Sure.

9 Q. So you think Popenoe's study is worthy of including,  
10 but you don't think that other small sample sets by  
11 psychologists that study same-sex families are worthy  
12 of including. Why is it okay to generalize about the  
13 nurturing nature of mothers in this context, but at  
14 the same time not look at studies that have actually  
15 examined how same-sex parents parent?

16 MS. HEYSE: I'm going object to the form of  
17 the question, because I don't think he said they  
18 weren't worthy of including.

19 BY MR. BLOCK:

20 Q. Go ahead.

21 A. I think paragraph 39 probably clarifies my position.  
22 This relates back to the issue of how to conduct  
23 hypothesis testing. One of the kinds of limitations  
24 in research in the no difference literature is, again,  
25 they're making a statement that there is no statical

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1 difference, but there is rarely any reporting about  
2 what the confidence intervals on that there. There is  
3 a large difference between something not be statically  
4 different and there actually being no true difference.

5 In that case, the hypothesis testing is a  
6 little one-sided in that it's much easier to reject  
7 the no difference hypothesis from a statistical  
8 perspective than it is to actually prove that there is  
9 no difference. Because in order to prove that there  
10 is no difference, you actually need a study that a has  
11 co-efficient that is close to zero and has really  
12 tight confidence intervals.

13 The main challenges in most of the studies  
14 that have been used is the sample size is too small.  
15 From the start there is actually, if you conduct a  
16 power calculation, there is actually no way they're  
17 going to be able to reject even, you know, confidence  
18 intervals close to zero.

19 Q. Isn't everything you just said also true when a small  
20 sample set concludes that all mothers tend to be more  
21 affectionate and nurturing and fathers tend to be more  
22 engaged in roughhousing?

23 A. No, it's not. It's actually asymmetric in the sense  
24 that when you have really small sample size, you're  
25 making it hard to detect the true effect. So if you

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1 actually find a true effect, then that's evidence that  
2 rejects the null hypothesis. If you fail to object to  
3 the null hypothesis, you actually learned anything.

4 Q. Let's go on to see what's cited in your report. We  
5 talked about Popenoe. You talk about your study of  
6 parent/child time. Did your study examine the  
7 outcomes of the children in that study?

8 A. Not in that study.

9 Q. Okay. So you don't know whether children did better  
10 or worse in terms of subsequent outcomes in terms of  
11 how the parents interacted with them in your study?

12 A. That's right.

13 Q. So have you cited in this report any studies that give  
14 you as an economist, you know, a high enough  
15 confidence interval to make statements about how an  
16 average mother tends to act and fathers tend to act in  
17 terms of -- have you cited any studies that allow you  
18 as an economist to predict that mothers on average  
19 will be more empathic, tender minded and nurturing and  
20 men on average will have a more rough and tumble  
21 approach?

22 A. I'm still confused by your question.

23 Q. Okay. You say here that mothers tend to be empathic,  
24 tender minded and nurturing and fathers tend to have a  
25 more rough and tumble approach.



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1 biological relatedness matters for child outcomes?

2 A. There were other studies that I looked at. I remember  
3 choosing these two, the second one in particular just  
4 because it had, you know, met the kind of bar of  
5 having a large data set.

6 Q. So what search process did you engage in when looking  
7 for articles that addressed the relationship between  
8 biological relatedness and child outcomes?

9 A. I don't remember.

10 Q. Did you use the Google Scholar?

11 A. That would be a way I often look for related  
12 literature, but I'm not actually sure in this case.

13 Q. Did you search only for studies say that biological  
14 relatedness affects child outcomes or did you also  
15 look for studies saying biological relatedness does  
16 not affect child outcomes?

17 A. Again, you have this asymmetry where --I hate to  
18 repeat these several times. But you have this  
19 asymmetry that failing to reject a null hypothesis is  
20 not as convincing evidence as rejecting a null  
21 hypothesis. In these cases, the papers I focused on  
22 were the ones that rejected a null hypothesis.

23 Q. In terms of your search process for what you looked at  
24 when you were doing your search here, did you look to  
25 see if there were any papers out there that

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1 established in -- did you look to see if there were  
2 papers out there concluding biological relatedness  
3 does not matter for child outcomes?

4 A. I was looking for papers that dealt with the question  
5 of step-families or biological relatedness. I don't  
6 remember exactly which studies I considered or thought  
7 to conclude.

8 Q. When you did the search process, though, you -- did  
9 you anticipate that you would be writing an opinion in  
10 this case saying that biological relatedness does  
11 matter for child outcomes?

12 A. So based on my training in graduate school, we talked  
13 a lot about the evolutionary roots of parenting  
14 practices. So based on kind of the selfish gene  
15 theory, my hypothesis would be that biological parents  
16 would behave differently toward their children than  
17 nonbiologic parents.

18 Q. So would you say that you have engaged in a  
19 comprehensive study of the literature on this issue?

20 A. I'm not sure what would, you know, classify as a  
21 comprehensive. When I was looking for studies, I was  
22 looking for studies related to step-families, not  
23 studies related to a specific result.

24 Q. Would you say that you've engaged in a comprehensive  
25 analysis on the literature on step-families?



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- 1 A. No. This is a very small part of my expert report. I  
2 imagine a study of that type would entail a much  
3 larger review.
- 4 Q. Review of the literature?
- 5 A. Yeah, that's right.
- 6 Q. How many studies have you read on step-parents?
- 7 A. I don't know.
- 8 Q. Would you say it's less than 20?
- 9 A. Yeah, less than 20.
- 10 Q. Would you say it's less than 10?
- 11 A. Probably less than 10.
- 12 Q. Probably less than five?
- 13 A. No, probably between five and 10.
- 14 Q. Okay. So as far as you know, there may be studies out  
15 there showing the biological relatedness does not  
16 affect children's outcome?
- 17 A. Again, I would be concerned about whether they have  
18 tight enough confidence intervals to actually rule out  
19 large differences.
- 20 Q. Do you know whether or not such studies even exist?
- 21 A. I don't know.
- 22 Q. You haven't evaluated any studied and determined they  
23 don't have a high enough confidence interval, have  
24 you?
- 25 A. No. One of the challenges is is many studies don't

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1 include the confidence intervals in their tables.

2 Q. So as for these studies by Anderson and Brown, did  
3 either of those studies involve same-sex couples?

4 A. No.

5 Q. Did either of those studies involve families that were  
6 created through sperm or egg donation?

7 A. I don't know about that.

8 Q. In fact, isn't that true that both of these studies  
9 involved heterosexual families?

10 A. Yes.

11 Q. So those are studies about which one parent brings a  
12 new spouse into the family?

13 A. That's right.

14 Q. They're not studies about families where both spouses  
15 together decided to bring into the world or adopt a  
16 child, right?

17 A. Yes, but they draw on the evolutionary literature that  
18 wouldn't actually make that distinction.

19 Q. In fact, Anderson, he says they were defining  
20 step-children as children of one's mate from previous  
21 relationships.

22 A. I think that is what we would refer to as a  
23 step-child.

24 Q. Is it your understanding that research on poorer  
25 outcomes for children in step-families attributes this

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1 poorer outcomes to lack of biological connection  
2 between step-parent and child?

3 A. One of the things we do in empirical work is try to  
4 draw on theoretical prediction. The theoretical  
5 prediction from evolutionary biology is that people  
6 would treat those with genetic relatedness better than  
7 those that aren't genetically related to them.

8 Q. The theories of evolutionary biology, are those based  
9 on the same rigorous data sets that other types of  
10 empirical work by economists are based on?

11 A. The tests of that particular hypothesis have actually  
12 been tested by lots of rigorous large scale data sets.

13 Q. Isn't it true that literature on poorer outcomes of  
14 children with step-parents attributes those poorer  
15 outcomes on the disruption that is caused to a family  
16 when a new person is brought into it?

17 A. If you could, just clarify or repeat.

18 Q. Isn't it true that the literature on the poorer  
19 outcome for children with step-parents attributes  
20 those poorer outcomes to the disruption of the family  
21 unit when a new stranger to the family unit coming  
22 into the family?

23 MS. HEYSE: I'm going object to the form of  
24 the question because it's very broad.

25 To the extent that you can answer, though,

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1 go ahead.

2 A. I'm not sure how to answer your question. The one  
3 thing I could say is there are studies looking at  
4 children in the same household and it does appear in  
5 some cases the parent treats the biological children  
6 different than the step-child.

7 BY MR. BLOCK:

8 Q. A child who has a step-parent, in order for that to  
9 happen, the child was a product of previous failed  
10 heterosexual union?

11 A. It doesn't have to be necessarily.

12 Q. Would you say in most cases?

13 A. Given the census data I talked about earlier, you  
14 know, most step-families are probably the result of a  
15 previous union.

16 Q. So there's --

17 A. Or a union that was never there to begin with.

18 Q. Okay. Then at some point later in life a new third  
19 party enters the family unit as the spouse of the  
20 child's parent?

21 A. Yeah. It doesn't have to be later in life. If you  
22 think about a mother who has a child when she is  
23 unmarried and then marries another man within the  
24 first year of life, then that would be a step-father.

25 Q. Isn't it true that the literature on step-families say



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1 the poorer outcome is diminished the earlier the  
2 step-parents enter the family unit?

3 MS. HEYSE: I'm going to object to the  
4 broad language of the literature. Can we refer to  
5 something in the literature? I don't think anything  
6 has been identified at this point.

7 BY MR. BLOCK:

8 Q. Go ahead and answer my question.

9 A. I don't know specifically about that.

10 Q. Well, let's look at one of the studies you cited, this  
11 is the Albuquerque study. This is Exhibit 12.

12 MARKED BY THE REPORTER:

13 DEPOSITION EXHIBIT 12

14 10:36 a.m.

15 BY MR. BLOCK:

16 Q. You know what, I'm going to come back to this so I can  
17 give you the right quote.

18 Do you know one way or the other sitting  
19 here today whether or not the poorer outcomes diminish  
20 earlier -- whether or not as -- the earlier that the  
21 step-parents enter the family unit, the lesser the  
22 negative outcomes are one way or the other?

23 A. I'm not sure.

24 Q. Have you read any other psychological literature  
25 discussing reasons why having a step-parent in the

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1 puncture can lead to poorer outcomes?

2 A. I can't think of any specifically in the field of  
3 psychology.

4 Q. Okay. So as far as you know in the field of  
5 psychology, they might attribute those poorer outcomes  
6 to the fact that the family is being disrupted and not  
7 to the affect of the step-parent?

8 A. I don't have any direct knowledge.

9 Q. If children with step-parents are at higher risk of  
10 abuse, do you oppose allowing people with children  
11 from previous relations to remarry?

12 MS. HEYSE: Objection, assumes facts not in  
13 evidence.

14 A. Repeat your question.

15 BY MR. BLOCK:

16 Q. If children with step-parents are at a higher risk of  
17 abuse, do you oppose allowing people with children  
18 from a previous relationship to re-marry and bring a  
19 new step-parent into the family?

20 A. I don't have an expert opinion on that issue.

21 Q. Do you believe the data -- do you believe that  
22 children raised by a step-parent are at a greater risk  
23 for abuse?

24 A. Do I believe that --

25 Q. Do children with a step-parent have a higher risk of



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1 abuse?

2 A. Yes.

3 Q. So you don't have an opinion on whether or not that  
4 higher risk of abuse should lead the government to  
5 prohibit someone with a child from a previous  
6 relationship from re-marrying?

7 A. As an economist, I would have to weigh the trade-offs  
8 against the extra income that you would have from a  
9 two-parent household. I don't have any specific  
10 opinion that would apply broadly to remarriage policy.

11 Q. But do you, based on the fact that children with  
12 step-parents are at a higher risk of abuse, have an  
13 opinion that same-sex couples shouldn't be allowed to  
14 marry; is that right?

15 MS. HEYSE: Objection. He has not  
16 testified that he has an opinion with regard to  
17 same-sex couples.

18 BY MR. BLOCK:

19 Q. Go ahead.

20 A. I don't have a response to that.

21 Q. You say that children raised by same-sex couples are  
22 the equivalent of children raised by a parent and a  
23 step-parent; is that right?

24 A. Sorry.

25 Q. You said that children raised by same-sex couples, you

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1 know, essentially one parent who is a biologic parent  
2 and one parent who is a step-parent?

3 A. I think the statement I'm making is that a child can't  
4 be biologically related to both parents in a same-sex  
5 couple.

6 Q. So you think that a -- let me ask it again a different  
7 way.

8 Do you think a heterosexual couple, a man  
9 and a woman who conceive a child, you know, through  
10 sperm or egg donation where only one of them has a  
11 biological relationship to the child, do you think  
12 they are equivalent to the relationship of a parent  
13 and step-parent?

14 A. I don't really have an opinion on that. If the  
15 channel of biological relatedness is important, then  
16 it's possible that you might expect worse outcomes in  
17 that situation.

18 Q. So if biological relatedness is a channel or mechanism  
19 through which poorer outcome for children are caused,  
20 you would expect those poorer outcomes to be equally  
21 present if it was a heterosexual couple having a kid  
22 from sperm or egg donation than if it was a kid having  
23 a child from a sperm or egg donation?

24 A. Yes, that's possible.

25 Q. Do you think heterosexual couples who conceive through

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1 sperm or egg donation have children that are at a  
2 greater risk or abuse?

3 A. I don't know actually.

4 Q. Do you agree if research were conducted that showed  
5 that children of heterosexual couples who were  
6 conceived through sperm or egg donation fared just as  
7 well as children of heterosexual couples conceived  
8 through sexual intercourse that would disprove the  
9 hypothesis that biological relatedness is a mechanism  
10 that produces poorer outcome?

11 MS. HEYSE: Objection, speculation.

12 A. Again, the real challenge in conducting an empirical  
13 test would be the fact that heterosexual couples who  
14 conceive through artificial means might be different  
15 than couples that don't. I don't really have a --  
16 sorry. If you could, rephrase your question.

17 BY MR. BLOCK:

18 Q. I'm not asking you if it would disprove the idea of  
19 your broader theory that children of same-sex couples  
20 have poorer outcomes. I'm asking focusing on this  
21 theory that the mechanism is biological relatedness,  
22 if research showed that children of heterosexual  
23 couples conceived through sperm or egg donation did  
24 not have poorer outcomes than children of heterosexual  
25 couples conceived through intercourse, do you agree

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1           that that would disprove the hypothesis that  
2           biological relatedness is the mechanism through which  
3           the children of the same-sex couples have poorer  
4           outcomes?

5                       MS. HEYSE: Same objection.

6    A.    Again, it would have to be a study that had a  
7           co-efficient that was close to zero with really tight  
8           confidence intervals. It would also have to be a  
9           study that, you know, carefully controls for the basic  
10          characteristics of the individuals involved.

11   BY MR. BLOCK:

12   Q.    If that study existed, though, that it would disprove  
13          the hypothesis that biological relatedness is the  
14          mechanism?

15   A.    I don't know that I would necessarily agree with it  
16          disproving that it's a mechanism. I don't know.

17   Q.    I thought it was easier to disprove a null hypothesis  
18          than to -- I'll end the question there.

19                       MS. HEYSE: Objection, argumentative.

20                       MR. BLOCK: I'll withdraw it.

21   BY MR. BLOCK:

22   Q.    Are you familiar with the research that has been  
23          conducted on kids conceived through sperm or egg  
24          donation?

25   A.    I've read it at times over my career, but I'm not



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1 specifically familiar with any studies.

2 Q. Sitting here, can you recall what studies you have  
3 read?

4 A. Yeah. It would just be a vague recollection.

5 Q. Okay. Isn't it true that the research shows -- the  
6 research that is out there concludes -- let me start  
7 over.

8 Isn't it true that the research that is out  
9 there concludes that the children conceived through  
10 sperm and egg donation fare just as well as the  
11 children conceived through sexual intercourse?

12 MS. HEYSE: I'm going object to the vague  
13 reference research.

14 A. I don't know.

15 BY MR. BLOCK:

16 Q. Do you think that as an expert on an issue you should  
17 be familiar with the literature on that issue?

18 A. So my expert opinion is about the outcomes of children  
19 across the different family structure types. The ones  
20 that economists have focused primarily on have been  
21 based on these kind of groups that are large enough to  
22 provide meaningful statistical inference. There is no  
23 information in the census data about artificial  
24 reproductive technology used or other things, so I  
25 wouldn't really fall into that category of a large

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1 nationally representative data set.

2 Q. You are not offering any expert opinion on the effect  
3 that artificial reproductive technologies have on  
4 child outcomes?

5 A. I am not. Unless it operates through these mechanisms  
6 on biological relatedness, gender composition,  
7 stability.

8 Q. So my question is: Are you offering an expert opinion  
9 as to the effect that having a child through  
10 artificial reproduction such as sperm or egg donation  
11 has on child outcomes?

12 A. So I would say that based on what we know about  
13 biological relatedness, that it's likely that children  
14 are going to have worse outcomes through artificial  
15 reproductive technology than through an otherwise  
16 similar couple that are biologically related to one  
17 another.

18 Q. We have discussed studies on step-parents?

19 A. Yes.

20 Q. Now we are discussing studies on a children born  
21 through sperm or egg donation?

22 A. Yes.

23 Q. You testified as an economist you can't form expert  
24 conclusions without a sufficiently rigorous data set;  
25 is that right?

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1 A. That's right.

2 Q. You said that there isn't a sufficiently rigorous data  
3 set for children conceived through sperm or egg  
4 donation?

5 A. That's correct.

6 Q. So, therefore, as an economist, you can't form an  
7 expert conclusion for children that are conceived  
8 through sperm or egg donation?

9 A. That's correct. What you can do as an economist is  
10 extrapolate what you know from other settings. The  
11 research on biological relatedness could be  
12 extrapolated to say these children would have worse  
13 outcomes. I don't have any direct evidence of the  
14 particular setting that you are describing.

15 Q. So what studies are you relying on that attribute  
16 poorer outcome for children raised by a step-parent to  
17 the lack of biological relatedness as opposed to the  
18 disruption caused by bringing a new parent into the  
19 family unit?

20 A. I'm drawing on the broader base of research related to  
21 evolutionary biology that reenforces the fact that  
22 people treat those that they are genetically related  
23 to than those they aren't related to. It's built into  
24 our selfish gene to promulgate our own genetics.

25 Q. So what research are you referring to?

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1 A. I wouldn't have the study on hand. These would be a  
2 broad class of studies that are well known.

3 Q. They're not cited on your report?

4 A. No.

5 Q. You are not an expert on evolutionary biology?

6 A. No.

7 Q. You are just aware there are studies about  
8 evolutionary biology?

9 A. Yes.

10 Q. Are you aware of studies that critique theories of  
11 evolutionary biology?

12 A. No.

13 Q. You don't know one way or the other whether such  
14 studies exist?

15 A. No.

16 Q. When you conducted your research for materials to cite  
17 for purposes of this report, you did not conduct broad  
18 comprehensive research of the studies that have been  
19 conducted on this issue?

20 MS. HEYSE: Objection, mischaracterizing  
21 his testimony.

22 A. If you could repeat it.

23 BY MR. BLOCK:

24 Q. When you conducted your search for studies, when you  
25 conducted your research for studies to cite when



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1 preparing your expert testimony on the issue of  
2 biological relatedness, you did not conduct a  
3 comprehensive search of the literature on that topic,  
4 did you?

5 A. No.

6 Q. Let's move on to the third mechanism, family  
7 stability. You cite studies from Norway and Sweden  
8 involving the dissolution rates for same-sex couples.  
9 Prior to being retained as an expert in this case, had  
10 you read those studies?

11 A. I had read the Anderson study.

12 Q. For what purpose did you read that?

13 A. Just general intellectual interest.

14 Q. When did you read it?

15 A. I don't remember exactly.

16 Q. In the past year?

17 A. Yeah. I wouldn't be able to pinpoint a specific time.

18 Q. So you don't know, it could have been five years ago  
19 was the first time you read it or it would have been  
20 last year is the first time you read it?

21 A. I don't remember.

22 Q. Okay. How did you first come across that study?

23 A. I don't remember that either.

24 Q. Okay. Now, isn't it true that the couples examined in  
25 those studies were in domestic partnerships, not

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1 by same-sex couples, do you think it would be -- it  
2 would benefit those children if they could have an  
3 established legal relationship with both of the  
4 parents who are raising them?

5 MS. HEYSE: Objection, vague, outside the  
6 scope of his expert report.

7 A. I don't know on that one.

8 BY MR. BLOCK:

9 Q. Let's talk about the plaintiffs in this case. One of  
10 the women in the couple has adopted several children  
11 out of the foster care system in Michigan. Those  
12 children are being raised by a same-sex couple. The  
13 child who was in foster care did not have a married  
14 different sex biologically connected couple to raise  
15 them. Those children only have a legal relationship  
16 with one of their parents. Do you think it would be  
17 in the best interest of those children based on your  
18 knowledge of family structure and child outcomes for  
19 them to be able to have a legal relationship with both  
20 of their parents instead of just one?

21 MS. HEYSE: Objection, calls for a legal  
22 conclusion, outside of his expert report, vague.

23 To the extent you think you can answer, go  
24 ahead.

25 A. I don't have an answer to that. I don't know.

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1 BY MR. BLOCK:

2 Q. So you don't know one way or the other whether you  
3 would expect it to be in the best interest of the  
4 child to have a legal relationship with both of their  
5 parents in those circumstances?

6 MS. HEYSE: Again, objection, asked and  
7 answered and for all of the reasons I noted earlier.

8 A. Yeah, I don't know. My research is about moving from  
9 a situation where the -- yeah, I don't know the answer  
10 to that question.

11 BY MR. BLOCK:

12 Q. So this litigation was started because this family  
13 wanted to be able to have a second parent adoption and  
14 form a relationship where the children knew that if  
15 one of the moms that had a legal connection to the  
16 child died, they wouldn't be put back into foster care  
17 or something similar. Do you, in submitting your  
18 expert report in this case, purport to have any  
19 opinion on that issue of whether a second parent  
20 adoption should be granted?

21 A. Yeah. I don't have any expert opinion on that very  
22 narrowly defined specific issue. It's not one that  
23 would show up in many data sets.

24 Q. Do you think that the data that you do have about  
25 poorer outcomes for children raised by same-sex

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1 parents compared to poorer outcomes for children  
2 raised by married heterosexual parents, do you think  
3 that data can help answer the question of whether a  
4 child who is adopted out of the foster care system by  
5 one same-sex parent should be able to have a legal  
6 relationship with both of their same-sex parents?

7 A. It was a bit of a long question.

8 MS. HEYSE: Right.

9 A. I don't know.

10 MR. BLOCK: Off the record.

11 (Off the record at 11:45 a.m.)

12 (Back on the record at 12:01 p.m.)

13 BY MR. BLOCK:

14 Q. Just to tie up loose ends, I think we asked a similar  
15 question, but indulge me asking it again.

16 Do you believe data on child outcomes of  
17 children raised by same-sex couples is relevant to the  
18 question whether same-sex couples should be allowed to  
19 marry?

20 MS. HEYSE: Objection, calls for a legal  
21 conclusion as to what's relevant.

22 BY MR. BLOCK:

23 Q. Do you have a legal opinion?

24 A. No.

25 Q. Do you have a layperson's opinion?



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1 great place to look for the answer.

2 Q. What inspired you to do this study when you hadn't had  
3 a published study on this topic before? What inspired  
4 you to take on this topic?

5 A. I don't remember exactly. I have always had an  
6 interest in family structure questions. Same-sex  
7 couples provide an unique opportunity to look at a new  
8 type of family structure.

9 Q. Did you ever have any discussions with either people  
10 at the Witherspoon Institute or the National  
11 Organization of Marriage or the Alliance Defending  
12 Freedom about there being a need for scientific  
13 studies that could be used to justify the  
14 constitutionality of state laws that prevented  
15 same-sex couples from marrying?

16 MS. HEYSE: I'm going to object to asking  
17 for him to testify to hearsay and compound. If you  
18 want to, take those one by one so that we're clear on  
19 what he is talking about.

20 A. If you could split them up, I could answer better.

21 BY MR. BLOCK:

22 Q. Did you ever have any conversations with people at the  
23 Witherspoon Institute about the need to develop  
24 scientific research that could be used in defending  
25 bans on same-sex marriage?

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1 A. It wasn't specifically at the Witherspoon Institute.  
2 I attended a meeting at the Heritage Foundation that  
3 included people from the Witherspoon Institute,  
4 Alliance Defense Fund. I don't remember if the  
5 National Organization of Marriage was there.

6 Q. Was this meeting in DC?

7 A. This was in DC, yes.

8 Q. Was Professor Regnerus at that meeting?

9 A. I don't actually remember. I don't remember.

10 Q. Do you remember when the meeting was?

11 A. I don't remember exactly.

12 Q. Was it after the trial in the Perry case had  
13 concluded?

14 A. It was probably before it had concluded, but I'm not  
15 totally sure on that.

16 Q. Was Maggie Gallagher at that meeting?

17 A. I don't remember exactly, but there is a pretty good  
18 chance she was, yeah.

19 Q. So what was said at that meeting about the need for  
20 research?

21 MS. HEYSE: Objection, hearsay.

22 A. I don't remember exactly what happened there, but it  
23 might actually have been the first time I met Doug  
24 Allen. I'm not totally sure on that.

25 BY MR. BLOCK:

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1 A. Mm-hmm.

2 Q. Are there are any studies that you are aware of as an  
3 economist that allows you to make that generalized  
4 conclusion on a broad population-based level?

5 A. So with those specific activities that you are  
6 referring to or with a broader fact that men and women  
7 parent differently?

8 Q. Those specific things I'm referring to.

9 A. Again, just as an expert, I'd be relying on the  
10 aggregation of past studies done by Rhoads and Popenoe  
11 with regard to specific time use measures. I would be  
12 relying on my even analysis of a very large data set.

13 Q. So another study that you cite is by Cancian and  
14 Meyer.

15 A. Mm-hmm.

16 Q. Who you say used data from divorce cases in Wisconsin  
17 from 1986 to 1994 and find that only 10 percent of the  
18 cases result in the child being placed in the sole  
19 custody of the father compared to 70 percent of the  
20 cases of children being placed in the sole custody of  
21 the mother.

22 Is it your expert opinion that the fact  
23 that during this period in Wisconsin fathers rarely  
24 received sole custody indicates children need to be  
25 raised by a mother?

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1 A. It think indicative of a set of judges who ha to weigh  
2 a bunch of evidence. In general those judges, acting  
3 in wisdom, felt that the children would be better off  
4 being raised by their father than their mother --  
5 sorry -- being raised by their mother rather than  
6 their father.

7 Q. You think as a general matter children will be more  
8 likely to be better off raised by their mother instead  
9 of their father?

10 A. Actually, what I'm saying is that a set of able, wise  
11 judges evaluated information and made a judgment that,  
12 in their opinion, they, you know, aggregating across  
13 lots of judges they tend to feel that fathers are more  
14 able -- sorry -- mothers are more able parents than  
15 fathers.

16 Q. Did the study analyze whether placing custody with the  
17 mother or father had any effect on child outcomes?

18 A. No. I'm offering this as indirect evidence that is  
19 drawing on the evaluation of a set of judges.

20 Q. The time period that the study examined ended 20 years  
21 ago in 1994?

22 A. Yes.

23 Q. Have you read any studies about custody placement for  
24 periods since 1994?

25 A. In preparing this report, this was a well-known study



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1           that I could refer to. I'm sure there's the ability  
2           to use more recent data. I imagine the gap is  
3           smaller. I imagine that it is still the case that  
4           more children are placed in the sole custody of their  
5           mother than the sole custody of their father.

6    Q.    Have you actually examined any studies other than this  
7           one concerning custody placement?

8    A.    No, but it's data that could be accessed by others.  
9           This was a well-cited paper I used.

10   Q.    What do you mean when you say it's well-cited?

11   A.    Published in a really nice journal, went through peer  
12           review.

13   Q.    How did you learn that this study existed?

14   A.    I think I had heard of this study in graduate school.  
15           I found it through Google Scholar in this case.

16   Q.    You haven't done a comprehensive analysis of custody  
17           placement decisions, have you?

18   A.    No, not myself.

19   Q.    Do you have any idea what the criteria are for custody  
20           placement in Michigan?

21   A.    I'm not an expert on that. I wouldn't know.

22   Q.    Do you know if in Michigan children are more likely to  
23           be placed in sole custody of their mothers than their  
24           fathers?

25   A.    I would not know.

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1 Q. Are you aware in Michigan the courts are not allowed  
2 to consider gender at all when making placement  
3 decisions?

4 MS. HEYSE: I'm going to object.

5 A. I don't have any information. Again, I was using this  
6 as a way to aggregation information of judgments  
7 across parents. Regardless whether it's legal now to  
8 base custody decisions on gender, this would provide  
9 evidence that at least historically the judges have  
10 felt that the mothers were better parents than  
11 fathers.

12 The data I wanted to look at was nannies.  
13 Again, parents are making a judgment whether they want  
14 their kids raised by a man or a woman. Unfortunately  
15 the census data doesn't distinguish household workers  
16 and nannies. I would guess that nannies are  
17 predominantly women which would indicate most parents  
18 are making a judgment it's better to have a female  
19 raise their children than a male.

20 BY MR. BLOCK:

21 Q. So on paragraph 42 at the bottom, talking the fourth  
22 to last line, fathers tend to stress competition,  
23 challenge, initiative, risk taking and independence.  
24 Do you believe that's true of all fathers?

25 A. Again, when we make statements comparing differences

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- 1 across gender, we're talking about average  
2 differences. Within any group there is going to be  
3 some fathers that are either above or below some  
4 mothers in the sample.
- 5 Q. This is not in the context of talking about your  
6 study. Did your study analyze whether fathers  
7 stressed competition, challenge or initiative?
- 8 A. No. I'm citing the work by David Popenoe.
- 9 Q. You are saying that this reflects an average; is that  
10 right?
- 11 A. That's right.
- 12 Q. But you don't have any knowledge of what data set  
13 Popenoe was looking at, right?
- 14 A. I could go back and look through the citations and  
15 figure that out. I don't know it offhand.
- 16 Q. So you don't know how big the sample size was, do you?
- 17 A. I don't know.
- 18 Q. You don't know whether it was recruited by convenience  
19 sampling method or not?
- 20 A. I don't know that either.
- 21 Q. Okay. So assuming it represents like averages, it's  
22 true that some mothers stress competition, challenge,  
23 initiative, risk taking, independence, right?
- 24 A. That's likely to be true.
- 25 Q. And in contrast it's true that some fathers stress

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1 emotional security and personal safety, right?

2 A. That's also likely to be true.

3 Q. Is it your belief that children are worse off if it's  
4 the father who expresses emotional security and  
5 personal safety and it's the mother who expresses  
6 competition, challenge, initiative, risk taking and  
7 independence?

8 A. I don't have any opinion on that. I would probably  
9 just echo Popenoe's statement that what is clear is  
10 that children have dual needs, one for independence  
11 and the other for relatedness; one for challenge and  
12 the other for support. In that sense, fathers and  
13 mothers play complimentary roles.

14 Q. Did Popenoe examine the outcomes of children?

15 A. I'm not sure. Again, he is aggregating research  
16 across the stuff.

17 Q. When Popenoe says children have different needs, do  
18 you understand him to be saying if those -- that  
19 children will tend to have poorer outcomes if those  
20 needs are not met?

21 A. I don't know what his intentions were, but I would  
22 read that to mean children have dual needs and when we  
23 think of those needs, we think of those contributing  
24 to positive outcomes in children.

25 Q. It seems to me based on this paragraph he has said how



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1 fathers tend to behave and mothers tend to behave and  
2 then concluded from that children have different  
3 needs. Are you aware of any studies that have  
4 demonstrated that there is that need as opposed to  
5 just drawing the inference that there is a need from  
6 the fact that those differences in parental gender  
7 roles happen to exist?

8 A. Yeah, I don't know.

9 MS. HEYSE: Whenever is a good time to take  
10 a restroom break.

11 BY MR. BLOCK:

12 Q. Just one more question about the custody placement.  
13 So if you think it's particularly important for a  
14 child to have a mother, is there any -- would that  
15 lead you to conclude that being raised by two women  
16 would be better than being raised by a different sex  
17 couple?

18 A. I think the conclusion is that children need to have a  
19 mother, so not having a mother is likely to contribute  
20 to worse outcomes for children, the absence of a  
21 mother. I don't think we know whether a second mother  
22 can replace the types of things that a father  
23 contributes to children, but based on this evidence  
24 about the fact that fathers and mothers play  
25 complimentary roles for child outcomes, my assessment

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1 would be it wouldn't replace the father.

2 MR. BLOCK: We can take a break.

3 (Off on the record at 10:05 a.m.)

4 (Back on the record at 10:19 a.m.)

5 BY MR. BLOCK:

6 Q. I just want to tie things up on the parental gender.

7 I just want a good summary of your opinions on this.

8 When you describe the way mothers tend to  
9 behave and fathers tend to behave, you are describing  
10 averages?

11 A. Yes.

12 Q. So in individual, sir, some mothers may behave in a  
13 ways that fathers normally would and some fathers may  
14 behave in a way that is normally associated with the  
15 way mothers behave?

16 A. Yes. In the same way some single mothers might have  
17 better outcomes than a heterosexual married couple.

18 Q. In some families, the mom might play sports with the  
19 kids and the dads may help the kids cook?

20 A. Yes.

21 Q. In terms of your study on parental quality time, it's  
22 also true that that was looking at averages, right?

23 A. Yes. When doing these kinds of studies, that's the  
24 only option you have. You are going to find some  
25 mothers that have timing problems that are difficult

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1           than normal, but you compare the average.

2       Q.    There are some cases where moms spent more time  
3           watching TV and roughhousing and the dads spent more  
4           time with the kids?

5       A.    I would have to look at the individual, but I assume  
6           that would be the case.

7       Q.    There are also some cases where both the mother and  
8           father spent equal amounts of time roughhousing or  
9           doing housework?

10      A.    Yes.

11      Q.    Are you aware of any studies saying that when parents  
12           don't behave the parents tend to behave on average --  
13           let me rephrase that. Strike that.

14                   Are you aware of any studies saying that  
15           when the mom behaves in a way that is typically  
16           associated with how dads behave or when a dad behaves  
17           the way that is typically associated with the way moms  
18           behave, that that leads to poorer outcomes for  
19           children?

20      A.    Maybe simplify it a little.

21      Q.    Yeah.

22      A.    I think I almost have it.

23      Q.    I'll find a better way of phrasing it. Are you aware  
24           of any studies saying children are worse off if the  
25           mother is the one to play sports with them and the

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1 father is the one that does housework and reading with  
2 them?

3 A. I'm not aware of studies that look specifically at  
4 those factors and how they contribute to the child  
5 outcomes.

6 Q. Okay. Are you aware of any studies saying that --  
7 have you read any studies that conclude that parental  
8 gender does not of affect a child's outcome, parental  
9 gender roles does not affect the child's outcomes?

10 A. So in reading the expert witness report of the  
11 plaintiff's, I do remember statements to the effect  
12 that gender composition does not affect child  
13 outcomes. So I imagine that must have been based on  
14 published studies. Again, my concern would be that  
15 there is often confusion between failing to find a  
16 statistical difference and there being no difference  
17 in truth.

18 Q. Were you aware of that study before reading the  
19 plaintiffs' expert report?

20 A. Not of any specific studies. Again, the way I  
21 interpreted the statement of the other expert witness  
22 report is basically saying that children don't need a  
23 mother. I don't know if that particular statement has  
24 been rigorously and empirically tested. I imagine  
25 that it hasn't been examined because I imagine many



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1 scholars would believe that the absence of a mother is  
2 likely to have consequences for children.

3 Q. Are you aware of any studies that found that when  
4 mother's behave in ways typically associated with  
5 fathers that children have poor outcomes?

6 A. No.

7 Q. I'm going to ask vice versa. Are you aware of any  
8 studies that found that fathers behave in ways  
9 typically associated with mothers that children have  
10 poor outcomes?

11 A. I don't know.

12 Q. The last question is a variation on this matter. Are  
13 you aware of any studies that show when both parents  
14 behave in roughly the same way, equal amount of  
15 roughhousing and equal amount nurturing, that children  
16 have poor outcomes?

17 A. Yes, I don't know.

18 Q. So when you say you don't know, you mean that you are  
19 not aware of any such studies?

20 A. I'm not aware of any such studies.

21 Q. Great. Are you aware of any studies finding in  
22 same-sex couples when one of the moms behave in a way  
23 typically associated with way dads typically behave  
24 and the other mom behaves in a way typically  
25 associated with the way a mom behaves that that leads

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1 to poor child outcomes?

2 A. I'm not aware of a study. Again, within the confines  
3 of a nationally representative data set on a large  
4 sample of children being raised by those families,  
5 yeah, I am not aware of any study that fits that  
6 criteria.

7 Q. Okay. Let's go onto the second mechanism you talked  
8 about regarding relatedness. In this section, you  
9 cite two studies, one by Anderson and one by Brown; is  
10 that correct?

11 A. That's correct.

12 Q. Prior to being retained as an expert witness in this  
13 cases, had you seen these publications by Anderson and  
14 Brown?

15 A. No.

16 Q. So for what purpose -- so you reviewed them for the  
17 first time in connection with preparing your expert  
18 report in this case?

19 A. That's correct.

20 Q. Prior to being retained as an expert witness in this  
21 case, had you seen any studies that dealt with  
22 biologic relatedness?

23 A. I'd seen studies related to ten families.

24 Q. Besides these two studies in this report, are you aware  
25 of any other studies that support your opinion that